

Calendar No. 325

110TH CONGRESS
1ST SESSION**H. R. 2831**

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2007

Received and read the first time

AUGUST 2, 2007

Read the second time and placed on the calendar

AN ACT

To amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lilly Ledbetter Fair
5 Pay Act of 2007”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The Supreme Court in *Ledbetter v. Good-*
4 *year Tire & Rubber Co.*, No. 05–1074 (May 29,
5 2007), significantly impairs statutory protections
6 against discrimination in compensation that Con-
7 gress established and that have been bedrock prin-
8 ciples of American law for decades. The *Ledbetter*
9 decision undermines those statutory protections by
10 unduly restricting the time period in which victims
11 of discrimination can challenge and recover for dis-
12 criminatory compensation decisions or other prac-
13 tices, contrary to the intent of Congress.

14 (2) The limitation imposed by the Court on the
15 filing of discriminatory compensation claims ignores
16 the reality of wage discrimination and is at odds
17 with the robust application of the civil rights laws
18 that Congress intended.

19 (3) With regard to any charges of discrimina-
20 tion under any law, nothing in this Act is intended
21 to preclude or limit an aggrieved person’s right to
22 introduce evidence of unlawful employment practices
23 that have occurred outside the time for filing a
24 charge of discrimination.

1 (4) This Act is not intended to change current
2 law treatment of when pension distributions are con-
3 sidered paid.

4 **SEC. 3. DISCRIMINATION IN COMPENSATION BECAUSE OF**
5 **RACE, COLOR, RELIGION, SEX, OR NATIONAL**
6 **ORIGIN.**

7 Section 706(e) of the Civil Rights Act of 1964 (42
8 U.S.C. 2000e–5(e)) is amended by adding at the end the
9 following:

10 “(3)(A) For purposes of this section, an unlawful em-
11 ployment practice occurs, with respect to discrimination
12 in compensation in violation of this title, when a discrimi-
13 natory compensation decision or other practice is adopted,
14 when an individual becomes subject to a discriminatory
15 compensation decision or other practice, or when an indi-
16 vidual is affected by application of a discriminatory com-
17 pensation decision or other practice, including each time
18 wages, benefits, or other compensation is paid, resulting
19 in whole or in part from such a decision or other practice.

20 “(B) In addition to any relief authorized by section
21 1977a of the Revised Statutes (42 U.S.C. 1981a), liability
22 may accrue and an aggrieved person may obtain relief as
23 provided in subsection (g)(1), including recovery of back
24 pay for up to two years preceding the filing of the charge,
25 where the unlawful employment practices that have oc-

1 curred during the charge filing period are similar or re-
 2 lated to unlawful employment practices with regard to dis-
 3 crimination in compensation that occurred outside the
 4 time for filing a charge.”.

5 **SEC. 4. DISCRIMINATION IN COMPENSATION BECAUSE OF**
 6 **AGE.**

7 Section 7(d) of the Age Discrimination in Employ-
 8 ment Act of 1967 (29 U.S.C. 626(d)) is amended—

9 (1) by redesignating paragraphs (1) and (2) as
 10 subparagraphs (A) and (B), respectively;

11 (2) by striking “(d)” and inserting “(d)(1)”;

12 (3) in the third sentence, by striking “Upon”
 13 and inserting the following:

14 “(2) Upon”; and

15 (4) by adding at the end the following:

16 “(3) For purposes of this section, an unlawful prac-
 17 tice occurs, with respect to discrimination in compensation
 18 in violation of this Act, when a discriminatory compensa-
 19 tion decision or other practice is adopted, when a person
 20 becomes subject to a discriminatory compensation decision
 21 or other practice, or when a person is affected by applica-
 22 tion of a discriminatory compensation decision or other
 23 practice, including each time wages, benefits, or other
 24 compensation is paid, resulting in whole or in part from
 25 such a decision or other practice.”.

1 **SEC. 5. APPLICATION TO OTHER LAWS.**

2 (a) AMERICANS WITH DISABILITIES ACT OF 1990.—

3 The amendment made by section 3 shall apply to claims
4 of discrimination in compensation brought under title I
5 and section 503 of the Americans with Disabilities Act of
6 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to sec-
7 tion 107(a) of such Act (42 U.S.C. 12117(a)), which
8 adopts the powers, remedies, and procedures set forth in
9 section 706 of the Civil Rights Act of 1964 (42 U.S.C.
10 2000e–5).

11 (b) REHABILITATION ACT OF 1973.—The amend-
12 ments made by section 3 shall apply to claims of discrimi-
13 nation in compensation brought under sections 501 and
14 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791,
15 794), pursuant to—

16 (1) sections 501(g) and 504(d) of such Act (29
17 U.S.C. 791(g), 794(d)), respectively, which adopt
18 the standards applied under title I of the Americans
19 with Disabilities Act of 1990 for determining wheth-
20 er a violation has occurred in a complaint alleging
21 employment discrimination; and

22 (2) paragraphs (1) and (2) of section 505(a) of
23 such Act (29 U.S.C. 794a(a)) (as amended by sub-
24 section (c)).

25 (c) CONFORMING AMENDMENTS.—

1 (1) REHABILITATION ACT OF 1973.—Section
2 505(a) of the Rehabilitation Act of 1973 (29 U.S.C.
3 794a(a)) is amended—

4 (A) in paragraph (1), by inserting after
5 “(42 U.S.C. 2000e–5 (f) through (k))” the fol-
6 lowing: “(and the application of section
7 706(e)(3) (42 U.S.C. 2000e–5(e)(3)) to claims
8 of discrimination in compensation)”; and

9 (B) in paragraph (2), by inserting after
10 “1964” the following: “(42 U.S.C. 2000d et
11 seq.) (and in subsections (e)(3) of section 706
12 of such Act (42 U.S.C. 2000e–5), applied to
13 claims of discrimination in compensation)”.

14 (2) CIVIL RIGHTS ACT OF 1964.—Section 717 of
15 the Civil Rights Act of 1964 (42 U.S.C. 2000e–16)
16 is amended by adding at the end the following:

17 “(f) Section 706(e)(3) shall apply to complaints of
18 discrimination in compensation under this section.”.

19 (3) AGE DISCRIMINATION ACT OF 1967.—Sec-
20 tion 15(f) of the Age Discrimination in Employment
21 Act of 1967 (29 U.S.C. 633a(f)) is amended by
22 striking “of section” and inserting “of sections
23 7(d)(3) and”.

1 **SEC. 6. EFFECTIVE DATE.**

2 This Act, and the amendments made by this Act, take
3 effect as if enacted on May 28, 2007 and apply to all
4 claims of discrimination in compensation under title VII
5 of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.),
6 the Age Discrimination in Employment Act of 1967 (29
7 U.S.C. 621 et seq.), title I and section 503 of the Ameri-
8 cans with Disabilities Act of 1990, and sections 501 and
9 504 of the Rehabilitation Act of 1973, that are pending
10 on or after that date.

Passed the House of Representatives July 31, 2007.

Attest: LORRAINE C. MILLER,
Clerk.

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